

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,  
Plaintiff,

V.

DANIEL RUIZ,  
Defendant.

Docket No.

2:22-MJ-34-1

## MOTION FOR DETENTION

The United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont, moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility For Detention. This defendant is eligible for detention because the case involves an offense under the Controlled Substances Act for which a maximum term of imprisonment of ten years or more is prescribed. *See* 18 U.S.C. § 3142(f)(1)(C).

2. Reason For Detention. The Court should detain the defendant because there are no conditions of release that will reasonably assure the appearance of the defendant and the safety of the community.

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against the defendant under 18 U.S.C. § 3142(e).

4. Other Matters. Defendant Ruiz's criminal history includes a 2009 conviction in the United States District Court for the District of Massachusetts for conspiring to distribute cocaine base and possession with intent to distribute cocaine base. *See United States v. Ruiz*, Crim. No. 3:08-30023-MAP (D. Mass. 2008). The sentencing transcript of Ruiz's sentencing hearing

before Judge Ponsor reveals that defendant Ruiz was initially released on conditions pending this federal prosecution, but quickly violated. Judge Ponsor observed that

[b]y a miracle of generosity, Judge Freedman let Mr. Ruiz out. His mother posted her house to say that he would behave, and he got caught for selling crack again in 2008 and brought back into prison. So now he's been in jail for more than two years and the government is likely to take his mother's house because he didn't see fit to stop committing crimes. In some ways I don't care what happens to the people in general but what a thing to do to your mother when she trusted you. I don't understand it.

*Id.* [D.E. 100] at 10.

During this sentencing hearing, Judge Ponsor found that although defendant Ruiz was technically a career offender under the federal sentencing guidelines, a downward variance was appropriated, and sentenced defendant Ruiz to a 90-month term of imprisonment. After serving that term, Ruiz commenced a 72-month term of supervised release. According to his criminal history and the docket of his federal case, Ruiz struggled on supervised release, accruing additional criminal convictions and resulting revocations. Ruiz's poor performance on federal supervision underscores the need for detention in this case.

5. Time For Detention Hearing. The United States therefore requests the Court conduct the detention hearing after the preparation of a report by the Pretrial Services Officer.

Dated at Burlington, in the District of Vermont, this 24th day of March 2022.

Respectfully submitted,

UNITED STATES OF AMERICA

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